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Government of Kerala
കേരള സർക്കാർ
2009



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/2009-2011

KERALA GAZETTE

കേരള ഗസറ്റ്

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PART I

Notifications and Orders issued by the Government

Labour and Rehabilitation Department

Labour and Rehabilitation (A)

ORDER

G. O. (Rt.) No. 825/2009/LBR.

Thiruvananthapuram, 17th June 2009.

*Read:—*1. Letter No.1(2)18666/06 dated 19-1-2007 from the Labour Commissioner, Thiruvananthapuram.

2. Government Letter No. 2466/A1/2007/LBR dated 12-11-2007.

3. Judgement of the Hon'ble High Court dated 24-3-2009 in W.P.(C) No.33235 of 2008 filed by Shri. V. K. Mohammed Shaji.

1. An industrial dispute arose between the management of Kerala Chamber of Commerce and Industry, Shanmugham Road, Kochi and its workman

Shri V. K. Mohammed Shaji, Veliyil House, C/o, Maduramittath House, Near SNDP Hall, Chuttupadukara, Edappally P. O., Kochi over the issue of dismissal of the latter. Assistant Labour Officer Grade I, Office of the District Labour Officer, Ernakulam, convened conciliation conferences on the issue. But no settlement could be reached. The Assistant Labour Officer, Office of the District Labour Officer, Ernakulam, sent the conciliation failure report to the Labour Commissioner, for scrutiny and onward transmission. The Labour Commissioner, Thiruvananthapuram vide his letter read as first paper above sent his report to the Government under Section 12 (4) of the Industrial Disputes Act, 1947 recommending to refer the above dispute for adjudication to Industrial Tribunal, Alappuzha under section 10 (1)(d) of the Industrial Disputes Act, 1947.

2. Government on examining the above report found the issue not fit for adjudication and decided to record the issue as not fit for adjudication under section 12(5) of the Industrial Disputes Act, 1947 as per letter read as second paper above.

3. Shri V. K. Mohammed Shaji, the aggrieved workman, challenged the above decision of the Government before the Hon'ble High Court as per W.P. (C) No. 33235/08.

4. The Hon'ble High Court, as per its judgement read as third paper above quashed the above action of the Government and directed Government to refer the dispute for adjudication as provided under the Industrial Disputes Act as expeditiously as possible at any rate, within two months from the date of receipt of a copy of the judgement. The copy of the above judgement of the Hon'ble High Court was received in Government from the Registrar, High Court of Kerala on 28-4-2009.

5. Government have examined the matter in the light of the judgement of the Hon'ble High Court and decided to refer the issue for adjudication under section 10(1) (d) of the Industrial Disputes Act, 1947.

6. Accordingly, the dispute between the management of Kerala Chamber of Commerce and Industry, Shanmugham Road, Kochi and its workman Shri V. K. Muhammed Shaji, Veliyil House, C/o Maduramittath House, Near SNDP Hall, Chuttupadukara, Edappally P. O., Kochi is referred for adjudication to the Industrial Tribunal, Alappuzha in exercise of the powers conferred by section 10(1)(d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

The Industrial Tribunal will pass the award within a period of three months. The direction of the Hon'ble High Court is thus complied with.

ANNEXURE

1. Whether the dismissal of Shri V. K. Muhammed Shaji, Veliyil House, C/o Maduramittath House, Near SNDP Hall, Chuttupadukara, Edappally P. O. by the management of Kerala Chamber of Commerce & Industry, Shanmugham Road, Kochi-13 is justifiable ?
2. If not, what relief he is entitled to ?

By order of the Governor,

C. K. VISWANATHAN,
Secretary to Government.

ORDERS

(1)

G. O. (Rt.) No. 750/2009/LBR.

Thiruvananthapuram, 3rd June 2009.

Whereas, the Government are of opinion that an industrial dispute exists between the Proprietor, Kanhangad Heart Care and Scan Centre, Ram Nagar Road, Kunnummal, Kanhangad P. O., Kasargod District and the workman of the above referred establishment Smt. Rajani Vijayan w/o, E.V. Vijayan, Edayil Veedu, Uppilikkai P. O., Kasargod District in respect of matters mentioned in the annexure to this order ;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Smt. Rajani Vijayan, worker by the Proprietor of the Kanhangad Heart Care and Scan Centre, Kunnummal, Kanhangad is Justifiable? If not what relief the worker is entitled to get?

(2)

G. O. (Rt.) No. 795/2009/LBR.

Thiruvananthapuram, 11th June 2009.

Whereas, the Government are of opinion that an industrial dispute exists between Sri P. K. George, Managing Partner, PPK and Sons, Kothamangalam, Ernakulam and the workman of the above referred establishment represented by Sri K. K. Viswanath, Secretary, Ernakulam Jilla Motor Thozhilali Sangham, Mathson Chambers, College Road, Kothamangalam-686 691 in respect of matters mentioned in the annexure to this order ;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Ernakulam. The Labour Court, will pass the award within a period of three months.

ANNEXURE

1. Whether the denial of employment of Shri Eldho Yacob, conductor by Shri P. K. George, Proprietor of PPK and Sons is justifiable ? 2. If not, what relief is entitled to get?

(3)

G. O. (Rt.) No. 841/2009/LBR.

Thiruvananthapuram, 19th June 2009.

Whereas, the Government are of opinion that an industrial dispute exists between 1. The Managing Director, Bata India Limited, Bata House, 418/02 Sector 17, Gurgaon Merhauili Road, Gurgaon-122 022, 2. Shri Abu K. Abraham, District Manager, Bata India Limited and the workmen of the above referred establishment represented by Shri P. C. Jayaraj, Chief Zonal Organizer, All India Bata Shops Employees Union, MA Road, Kannur in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Ernakulam. The Labour Court will pass the award within a period of three months.

ANNEXURE

How far the demands raised by the Union on 12-12-2005 for better service conditions as well as monetary benefits are justifiable? How far the demands be admitted by the management ?

By order of the Governor,

G SIVAPRASAD,

Under Secretary to Government.